

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:
Moore, et al

Application No.: 09/576,359

Filed: May 22, 2000

For: SYSTEM AND METHOD FOR
CREATING AND DISPLAYING
CLASSES OF GRAPHICAL
DISPLAY OBJECTS

Group Art Unit: 2175

Confirmation No. 1848

Examiner: Vu, Kleu D.

APPELLANTS' REPLY BRIEF

TO THE COMMISSIONER FOR PATENTS:

This Reply Brief is filed in response to the Examiner's Answer of August 19, 2008 ("Examiner's Answer"), and pursuant to 37 C.F.R. § 41.41.

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I. STATUS AND SUMMARY

The real party in interest, related appeals and interferences, status of the claims and amendments, and summary of the claims remain as presented in the Appeal Brief.

II. GROUND S OF REJECTION TO BE REVIEWED ON APPEAL

Whether the Examiner erred in rejecting Claims 14, 15, 25, 26, 28, 29, 34, 35 and 38 as being obvious under 35 U.S.C. §103(a) over *Takahashi et al.* in view of *Swanson*?

III. ARGUMENT

1. Claims 14, 25, 26, 34 and 38

The Examiner erred in rejecting all claims in Group I on obviousness grounds under 35 U.S.C. §103(a) of the U.S. Patent Act. Independent Claim 14 reads as follows:

An apparatus comprising a storage medium having stored thereon a plurality of programming instructions designed to enable a media player of the apparatus to

receive an identifier of a graphical display object;

receive default definition data of a class related to the graphical display object, the class of default definition data having default values for a first plurality of elements of the graphical display object;

retrieve custom definition data related to the graphical display object, the custom definition data having custom values for a second plurality of elements of the graphical display object, one or more of the first and second elements being the same elements;

build the graphical display object based first, on the custom values of the second plurality of elements and then, on the default values of the first plurality of elements that are not included among the second plurality of elements; and

a processor communicatively coupled to the storage medium to execute the programming instructions. (Emphasis added).

Here, the cited patent references, alone or in combination, do not teach, suggest or describe each recitation of independent Claim 14. Specifically, the cited patent references, alone or in combination, do not teach, suggest, or describe an apparatus comprising a storage medium that is designed to enable a media player of the apparatus to “build a graphical display object based **first on the custom values** of the second plurality of elements **and then on the default**

values of the first plurality of elements that are not included among the second plurality of elements....” (Emphasis added).

The Examiner’s Answer correctly notes that *Takahashi* fails to teach or suggest creating a graphical display object such as a control panel for this apparatus that is comprised of elements having **both default values and custom values**.

However, Applicants respectfully submit that *Swanson* does not overcome the limitations of *Takahashi* with respect to an apparatus that enables a media player to build a graphical display object based first on custom values and then on default values that are not included among the custom values, as claimed in Claim 14. *Swanson* describes a graphical resource editor for selectively modifying graphical resources in a software application that includes a main window graphical user interface object for interaction with the graphical resource editor. In the process of creating a graphical display object, the resource editor will search a predetermined path for an application specific app-custom file. In the absence of such a custom file, the resource editor will use a default app-custom file. If neither file can be found, then an error message will be displayed in a pop-up window.

In the Examiner’s Answer, *Swanson* is said to teach that when an app-custom file does not exist, then graphic resource editor will use the default app-custom file. However, even if this characterization is accurate, *Swanson* still fails to remedy the admitted defects in *Takahashi* at least because *Takahashi* in view of *Swanson* at most teaches a binary approach to custom-file use. In other words, *Takahashi* in view of *Swanson* teaches merely that **either** an app-custom file **or** a default app-custom file is used. For example, at col. 10 lines 25-30, *Swanson* teaches that either one or the other file is parsed: “[o]nce a customizable application is selected and its app-custom file, or the default app-custom file, is found, app-custom file is parsed....” *Swanson* goes on to describe the parsing process, which extracts information from only a single file, thereby indicating that only custom values or only default values are used.

Applicants respectfully submit that the Examiner’s Answer has mischaracterized the teachings of *Takahashi* in view of *Swanson* by stating at 7 that *Swanson* teaches “when there is no custom value, default value will be used.” With respect, as discussed above, Applicants submit that *Swanson* teaches merely that when there is no custom **file**, a default **file** is used. *Swanson* does not teach, or even suggest, that when there are both custom values and a default values, then both custom values and also some default values are used, as claimed in Claim 14.

Put succinctly, *Takahashi* in view of *Swanson* at most teaches **either** default values **or** custom values, with no suggestion of using **both** custom values **and** some default values, as claimed in Claim 14. Accordingly, *Takahashi* in view of *Swanson* fails to teach or suggest combining default and custom values in the manner claimed in Claim 14, namely “build the graphical display object based first on the custom values of the second plurality of elements and then on the default values of the first plurality of elements that are not included among the second plurality of elements.”

For at least the reasons just discussed, Applicants respectfully submit that Claim 14 is in condition for allowance. Furthermore, the combination of references does not teach or suggest each recitation of dependent Claims 25, 26, 34 and 38 when the recitations of each claim are considered as a whole in view of their dependency from independent Claim 14.

2. Claims 15, 28, 29 and 35

The Examiner erred in rejecting all claims in Group II on obviousness grounds under 35 U.S.C. §103(a) of the U.S. Patent Act. Independent Claim 15 recites graphical display object building element that is similar to that in Claim 14, as discussed above. Specifically, Claim 15 recites in pertinent part, “building by the media player the graphical display object **based first on the custom values** of the second plurality of elements and **then on the default values** of the first plurality of elements that are not included among the second plurality of elements.”

Applicants respectfully submit that at least for reasons similar to those discussed above in reference to Claim 14, neither *Takahashi et al.* nor *Swanson*, alone or in combination, teach or suggest this element of Claim 15. Furthermore, the combination of references does not teach or suggest each recitation of dependent Claims 28, 29 and 35 when the recitations of each claim are considered as a whole in view of their dependency from independent Claim 15.

IV.. SUMMARY

Applicants submit that all pending claims are in condition for allowance. Accordingly, early and favorable action allowing all of the pending claims and passing this application to issue is respectfully requested. We believe that all fees required for the filing and review of this appeal brief were paid on September 28, 2006. If, however, insufficient fee payment or fee overpayment occurs, the amount may be withdrawn or deposited from/to Axios Law Group's deposit account. The deposit account number is 50-4051.

Respectfully submitted,
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CLAIMS APPENDIX

14. An apparatus comprising:
- a storage medium having stored thereon a plurality of programming instructions designed to enable a media player of the apparatus to
 - receive an identifier of a graphical display object;
 - receive default definition data of a class related to the graphical display object, the class default definition data having default values for a first plurality of elements of the graphical display object;
 - retrieve custom definition data related the graphical display object, the custom definition data having custom values for a second plurality of elements of the graphical display object, one or more of the first and second elements being the same elements;
 - build the graphical display object based first, on the custom values of the second plurality of elements and then, on the default values of the first plurality of elements that are not included among the second plurality of elements; and
 - a processor communicatively coupled to the storage medium to execute the programming instructions.
15. A method comprising:
- receiving by a media player operating on an electronic device, an identifier of a graphical display object;
 - retrieving by the media player, default definition data of a class related to the graphical display object, the class default definition data having default values for a first plurality of elements of the graphical display object;
 - retrieving by the media player, custom definition data related to the graphical display object, the custom definition data having custom values for a second plurality of elements of the graphical display object, one or more of the first and second elements being the same elements; and
 - building by the media player, the graphical display object based first, on the custom values of the second plurality of elements and then, on the default values of the first plurality of elements that are not included among the second plurality of elements.

25. The apparatus of Claim 14, wherein the graphical display object relates to a graphical user interface object.

26. The apparatus of Claim 25, wherein the graphical user interface object includes one or more selected from the group consisting of buttons, windows, menus, and touch sensitive screens.

28. The method of Claim 15, wherein the graphical display object relates to a graphical user interface object.

29. The method of Claim 28, wherein the graphical user interface object includes one or more selected from the group consisting of buttons, windows, menus, and touch sensitive screens.

34. The apparatus of Claim 14, wherein the media player is an audio player.

35. The method of Claim 15, wherein the media player is an audio player.

38. The apparatus of Claim 14, wherein the apparatus is a selected system one from the group consisting of a portable computing device, a portable audio player, a portable video player, a server, a computer workstation, a local area network of individual computers, an interactive television, an interactive kiosk, a personal digital assistant, an interactive wireless communication device, a handheld computer, a telephone, a router, a satellite, a smart card, and an embedded computing device.

EVIDENCE APPENDIX

1. U.S. Patent No. 5,603,034 to *Swanson* was entered in the record by the Examiner on page 2 of the Official Action dated February 24, 2006, and on the accompanying Notice of References Cited (Form PTO-892).

2. U.S. Patent Number 5,887,193 to *Takahashi et al.* was entered in the record by the Examiner on page 2 of the Official Action dated February 24, 2006, and on the accompanying Notice of References Cited (Form PTO-892).

RELATED PROCEEDINGS APPENDIX

NONE.